

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SYMYX TECHNOLOGIES, INC.,

Plaintiff,

Case No. 07-11158

v.

Hon. John Corbett O'Meara

STARGATE MOBILE, LLC, a
Michigan Limited Liability Company, *et al.*,

Hon. Paul J. Komives

Defendants.

**ORDER GRANTING DEFENDANTS' OBJECTION TO MAGISTRATE JUDGE
KOMIVES' ORDER TO GRANT IN PART PLAINTIFF'S MOTION TO COMPEL
DISCOVERY**

Defendants bring before this Court their objection to Magistrate Judge Komives' Order to Grant in Part Plaintiff's Motion to Compel Discovery, issued October 11, 2007. Specifically, Defendants complain that the Magistrate's order allows Plaintiff to collect information that is typical of post judgment discovery and object to answering Requests 21 through 40 of Plaintiff's First Request for Production of Documents because they are overbroad and burdensome.

Although there are similarities between Plaintiff's requests and post-judgment collection requests, I agree with Magistrate Judge Komives' reasoning that this instance involves Plaintiff's attempt to prove Defendants' liability regarding the consent judgment.¹ However, Magistrate Judge Komives also acknowledged in his October 11 order that the many of the requests, specifically 21-40, are overbroad and burdensome. The order states that "to the extent defendants' objections to these requests are based upon their breadth, burdensomeness, or relevance, Plaintiff is requested to rephrase these requests . . . to be more limited in time and take into account Defendants' objections regarding the breadth of their requests."

¹This Court ordered into effect a consent judgment between the parties on June 8, 2007.

The Court is unaware of any attempt by Plaintiff to revise these requests. Therefore, the Court GRANTS Defendants' objection to the order. As such, Plaintiff has until April 18, 2008 to comply with Magistrate Judge Komives' order and submit revised requests to Defendants. After which, a revised scheduling order will be issued.

SO ORDERED.

s/John Corbett O'Meara
United States District Judge

Date: April 1, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, April 1, 2008, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager